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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,515

09/30/2003

Keith N. Larson

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09/10/2010

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EXAMINER

KARIKARI, KWASI

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

09/10/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,515

Applicant(s)

LARSON ET AL.

Examiner

KWASI KARIKARI

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed on 10/27/2009, with respect to the rejection(s) of claims 1-5, 7-12 and 14 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is being made as shown below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-5, 7-12 and 14 are rejected under U.S.C. 102(e) as being anticipated by Graske et al., (U.S. 2005/0009508), (hereinafter, Graske).**

Regarding claims 1 and 8, Graske discloses a method/system for a cell phone service provider to communicate to a cell phone user who is a member of a class of recipients (= registered mobile stations 120 and 125 receive alert from weather alert generator 130 which is coupled to notification component 105 and network 105, see [0015, 0018, 0020-21 and 0025]; whereby the **registered** mobile stations are being associated with the "member of a class of recipients") said user located in a particular local geographical

area, an alert message that effects that particular local geographical area (= weather alert notification is sent to registered mobile station which is within an area of weather alert, see [0020-21, 0028 and 0038-39]), said method comprising the steps of:

receiving said alert message from a reporting agency (= NWS/NOAA, see [0002 and 0018]), said message containing information as to locations effected (= weather alert notification is sent to registered mobile station which is within an area of weather alert, see [0020-21 and 0038-39]);

determining that the user is located in said geographical area and that the user is a member of a class intended to receive said alert (= weather alert notification is sent to **registered mobile station** which is **within an area of weather alert**, see [0020-21, 0038-39] and Fig. 3, steps 315, 320 and 325); and

providing to the user at least one communication advising him of the alert message (= weather alert notification component 105 sends notification of weather alert/detailed map to mobile station, see [0035-36 and 0039-40]).

Regarding claims 2 and 9, as recited in claims 1 and 8, Graske discloses the method/system, wherein the reporting agency is selected from the group consisting of National Weather Service, National Oceanographic and Atmospheric Administration, Amber Alert Systems, State Police, Fire Department, local government agency, and local police (= NWS/NOAA, see [0002 and 0018]).

Regarding claims 3 and 10, as recited in claims 1 and 8, Graske discloses the method/system, wherein said communication is selected from the group consisting of displaying information, triggering an audio alert, and supplying a voice message (= weather alert notification component 105 sends notification of weather alert/detailed map to mobile station, see [0019, 0035-36 and 0039-40]).

Regarding claims 4 and 11, as recited in claims 1 and 8, Graske discloses that the method/system further comprising the step of: permitting the user to limit said providing step based upon subject content of the message (= advanced data such as detailed map of a specific weather alert area, is issued to mobile that support advanced reporting, see [0040, 0019 and 0021]).

Regarding claims 5 and 12, as recited in claims 1 and 8, Graske discloses that the method/system further comprising the step of: permitting the user to limit the frequency at which said communications are provided to him (= receiving notification during a registered time period, see [0020 and 0023-25]).

Regarding claims 7 and 14, as recited in claims 1 and 8, Graske discloses that the method/system further comprising the steps of: defining the location of a destination contained in the message; and, communicating to the user directions from his present location to said destination (= monitoring locational movement of mobile station; and sending alert to location, see [0021, 0028, 0034 and 0040-41]).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See also, the attached PTO-892 sheet.
- a. Tarlton et al., (US. 6,462,665) teaches a method and apparatus for sending a weather condition alert.
- b. Seeger (U.S 2003/0022684) teaches a system, method and device for warning notification.
- c. Banks et al., (U.S 6,975,873) teaches a system and method for tracking the relative location of mobile stations belonging to a pre-defined group of mobile stations.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (7am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Kwasi Karikari/
Patent Examiner (PSA): Art Unit 2617.**